

**SENATE JOURNAL**  
**NINTH DAY**  
**MORNING SESSION**

The Senate was called to order at 10:10 a.m., with President Al Mansell presiding.

**Prayer** - Dr. Steven O. Laing, State Superintendent of Public Instruction and Chief Executive Officer of the State Board of Education

**Pledge of Allegiance** - Senator Lyle Hillyard

**Roll Call** - All Senators present

**READING OF TITLES OF BILLS AND RESOLUTIONS**  
**(PLEASE REFER TO DAY 1, PAGE 5)**

**COMMUNICATIONS FROM THE GOVERNOR**

Dear President Mansell and Members of the Senate: January 6, 2003

In accordance with Sections 67-1-1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointment:

W. Val Oveson appointed to replace Phil Windley as the Chief Information Officer. Section 63D-1-301, Utah Code Annotated 1953, as amended.

Thank you for your timely consideration and confirmation of the above appointments.

**Michael O. Leavitt**  
Governor

**COMMITTEE REPORT**

Mr. President: January 24, 2003

The Government Operations and Political Subdivisions Confirmation Committee held a hearing on Friday, January 24, 2003 to consider Governor Leavitt's appointment of W. Val Oveson as Chief Information Officer of the State.

By motion, the Committee recommends the Senate approve confirmation of Mr. Oveson as State Chief Information Officer

Carlene M. Walker, Chair

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. Senators Walker, Hellewell, Steele, Knudson, and Mayne commented. The motion passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Hale
Hatch	Hellewell	Hillyard	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Gladwell	Hickman
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**COMMITTEE OF THE WHOLE**

On motion of Senator Waddoups, W. Val Oveson spoke in Committee of the Whole.

On motion of Senator Waddoups, the Committee of the Whole was dissolved.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 27, 2003

The House passed, as amended, **H.B. 28**, OIL AND GAS SEVERANCE TAX AMENDMENTS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 29**, FEES AND TAXES ON OIL AND GAS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 36**, ACCESSIBLE HOUSING, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed **H.B. 41**, LEGISLATIVE BUDGETING FOR COLA FOR LOCAL HEALTH AUTHORITIES, by Representative J. Seitz, and it is transmitted for consideration; and

The House passed **H.B. 47**, FIRE PREVENTION AMENDMENTS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 55**, TOW TRUCK REQUIREMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 73**, WITHHOLDING EXEMPTION FOR CERTAIN NONRESIDENT SHAREHOLDERS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 74**, UNAUTHORIZED ENTRY ON SCHOOL BUS PROHIBITED, by Representative N. Hendrickson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk  
Communications filed. **H.B. 28, H.B. 29, H.B. 36, H.B. 41, H.B. 47, H.B. 55, H.B. 73, and H.B. 74** were read the first time and referred to the Rules Committee.

### STANDING COMMITTEE REPORTS

Mr. President: January 27, 2003

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 40**, PAY PLAN - SALARY SURVEY AMENDMENTS, by Senator M. Dmitrich, with the following amendments:

1. Page 1, line 9:  
After "effect" delete "January 1, 2004"  
Insert "July 1, 2003"
2. Page 2, line 34:  
After "effect on" delete "January 1, 2004"  
Insert "July 1, 2003"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 97**, COUNTY ANNEXATION AMENDMENTS, by Senator C. Walker; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 100**, INDIAN AFFAIRS AMENDMENTS, by Senator B. Evans; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 25**, EXTENSION OF TIMING FOR CREATING A LOCAL DISTRICT, by Representative D. Hogue; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 30**, PUBLIC TRANSIT DISTRICTS ANNEXATION AMENDMENTS, by Representative D. Cox; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.C.R. 1**, RESOLUTION URGING

REWORKING OF CENSUS DATA COLLECTION PROCEDURES, by Representative M. Stephens.

Carlene M. Walker, Chair

Mr. President:

January 27, 2003

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 46**, RESIDENTIAL PROPERTY TAX EXEMPTIONS, by Senator E. Mayne; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 102**, PROPERTY TAX APPEAL PROVISIONS, by Senator C. Bramble, with the following amendments:

1. Page 2, Line 31:  
After “Professional” insert “Appraisal”
2. Page 2, Line 33-35:  
Delete lines 33-35 and insert:  
“(B) the person complies with one of the following:  
(I) prior to or at the time the person represents or assists a taxpayer in a real property tax appeal at the county board of equalization, the person completes and files with the county board of equalization a registration form as described in Subsection (3); or  
(II) prior to or at the time the person represents or assists a taxpayer in a real property tax appeal at the commission, the person completes and files with the county board of equalization or the commission a registration form as described in Subsection (3).”
3. Page 2, Lines 47-48:  
Delete lines 47-48
4. Page 4, Line 116:  
After “with any” insert “property”; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 110**, INDIVIDUAL INCOME TAX - STATE EARNED INCOME TAX CREDIT, by Senator T. Hatch; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 118**, INDIVIDUAL INCOME TAX - ADOPTION EXPENSES, by Senator C. Walker.

Curtis S. Bramble, Chair

Mr. President:

January 27, 2003

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 12**, INDUSTRIAL

ASSISTANCE FUND AMENDMENTS, by Senator B. Evans, with the following amendments:

1. Page 7, Lines 205-206:  
After “9-2-1207.” delete the rest of line 205 and line 206 and insert “Annual Board Policy Considerations.”
2. Page 7, Line 207:  
After “(1)” bracket and delete “For purposes of this part, the” and insert “The”
3. Page 7, Line 209:  
After “area” bracket and delete “:” and insert “.”
4. Page 7, Line 210:  
Bracket and delete “(a)”
5. Page 7, Line 211:  
After “area” bracket and delete “; and” and insert “.”
6. Page 7, Line 212:  
Bracket and delete “(b)” and insert “(3) In evaluating the economic impact of applications for assistance.” and after “board” bracket and delete “may” and insert “shall”
7. Page 8, Line 214:  
Delete “(3)” and insert “(4)”
8. Page 8, Line 215:  
After “granted” insert “that reflect a fair social rate of return to the state comparable to prevailing market-based rates such as the prime rate, U.S. Government T-bill rate, or bond coupon rate paid by the state, adjusted by social indicators such as the rate of unemployment”

David L. Thomas, Chair

On motion of Senator Valentine, the committee reports were adopted. **SB. 40** as amended, **S.B. 97, S.B. 100, H.B. 25, H.B. 30, H.C.R. 1, S.B. 46, S.B. 102**, as amended, **S.B. 110, S.B. 118**, and **S.B. 12**, as amended, were placed on Second Reading Calendar.

## INTRODUCTION OF BILLS

### REAUTHORIZATION OF THE ENERGY POLICY TASK FORCE

**S.B. 133**

*Leonard M. Blackham*

THIS ACT MODIFIES THE PUBLIC UTILITIES TITLE TO REAUTHORIZE THE ENERGY POLICY TASK FORCE AND MAKE

TECHNICAL CHANGES, was read for the first time and referred to the Rules Committee.

**PROMOTION OF PREVENTATIVE HEALTH CARE**

**S.B. 134**

*Paula F. Julander*

THIS ACT AMENDS PROVISIONS RELATED TO HEALTH INSURANCE. THE ACT REQUIRES HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE CONTRACTS TO PROVIDE COVERAGE FOR PREVENTATIVE HEALTH CARE SERVICES. THE ACT REQUIRES COVERAGE FOR THE COST OF BONE DENSITY MEASUREMENT AND PRESCRIPTIVE OSTEOPOROSIS TREATMENT, PROSTATE CANCER SCREENING, BREAST CANCER SCREENING, CERVICAL CANCER SCREENING, AND PRESCRIPTIVE CONTRACEPTIVES. THIS ACT PROVIDES A RELIGIOUS EXEMPTION FOR COVERAGE OF PRESCRIPTIVE CONTRACEPTIVES, was read for the first time and referred to the Rules Committee.

**RESOLUTION REGARDING CLINICAL TRIALS  
FOR WOMEN'S HEALTH CARE**

**S.C.R. 2**

*Paula F. Julander*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR URGES THE FOOD AND DRUG ADMINISTRATION TO STRICTLY ENFORCE REQUIREMENTS THAT CLINICAL STUDY SPONSORS PERFORM SUBGROUP ANALYSIS OF THEIR STUDIES TO ENSURE THAT THE HEALTH CONCERNS OF WOMEN ARE APPROPRIATELY ADDRESSED IN CLINICAL TRIAL RESULTS, was read for the first time and referred to the Rules Committee.

**RESOLUTION DESIGNATING LEGISLATORS  
BACK TO SCHOOL WEEK**

**S.C.R. 3**

*Howard A. Stephenson*

THIS CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR EXPRESSES SUPPORT FOR CIVIC EDUCATION AND DESIGNATES SEPTEMBER 22-26, 2003 AS LEGISLATORS BACK TO SCHOOL WEEK, was read for the first time and referred to the Rules Committee.

**RESOLUTION SUPPORTING A FREE TRADE AGREEMENT**

**S.J.R. 7**

*Peter C. Knudson*

THIS JOINT RESOLUTION OF THE LEGISLATURE URGES THE BUSH ADMINISTRATION TO SUPPORT A FREE TRADE AGREEMENT

BETWEEN THE REPUBLIC OF CHINA ON TAIWAN AND THE UNITED STATES, was read for the first time and referred to the Rules Committee.

**RESOLUTION RECOGNIZING LIBERTY DAY**

**S.J.R. 8**

*Ed P. Mayne*

THIS JOINT RESOLUTION OF THE LEGISLATURE DESIGNATES MARCH 16, 2003 AS LIBERTY DAY IN THE STATE OF UTAH. THE RESOLUTION URGES THE CITIZENS OF UTAH TO REFLECT ON THE FREEDOMS GRANTED TO THEM IN THE DECLARATION OF INDEPENDENCE AND THE UNITED STATES CONSTITUTION, was read for the first time and referred to the Rules Committee.

**THIRD READING CALENDAR**

**1st Sub. S.B. 79**, DISABLED PARKING FINE, was read the third time.

On motion of Senator Buttars, the bill was circled.

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On motion of Senator Bramble, the Senate voted to reconsider its action on **1st Sub. S.B. 23** for the purpose of amending.

**1st Sub. S.B. 23** was placed on the Third Reading Calendar.

On motion of Senator Bramble, the bill was circled.

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**1st Sub. S.B. 89**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, was read the third time.

On motion of Senator Buttars, the bill was circled.

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On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 79**, DISABLED PARKING FINE, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Line 10:  
After line 10, insert “”This act takes effect July 1, 2003.”

2. Page 3, Line 70:  
After “paid” insert “, minus the court costs.”
3. Page 3, Line 71:  
Delete “minus the court costs”
4. Page 4, Line 96:  
After “paid” insert “, minus the court costs.”
5. Page 4, Line 97:  
Delete “minus the court costs”

Senator Buttar’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Thomas
Valentine	Waddoups	Walker	

**Voting in the negative were:** Senators

Stephenson	Mansell
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**Absent or not voting were:** Senators

Blackham	Gladwell	Hatch	Wright
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**1st Sub. S.B. 79**, as amended, was transmitted to the House.

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**S.B. 21**, AMENDMENTS TO THE INTERLOCAL COOPERATION ACT, was read the third time.

On motion of Senator Hickman, the bill was circled.

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**S.B. 7**, AUTOMOBILE HOMICIDE AMENDMENTS, was read the third time and explained by Senator Walker.



Senator Walker proposed the following amendment:

1. Page 2, Line 54:  
Delete “ingested” and insert “introduced into the body”
2. Page 1, Line 11:  
After line 11 insert:  
“41-6-44.6, as last amended by Chapter 8, Laws of Utah 2002”
3. Page 1, Line 13:  
After line 13 insert:  
“Section 1. Section 41-6-44.6 is amended to read:  
41-6-44.6 Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.  
(1) As used in this section:  
(a) “Controlled substance” means any substance scheduled under Section 58-37-4.  
(b) “Practitioner” has the same meaning as provided in Section 58-37-2.  
(c) “Prescribe” has the same meaning as provided in Section 58-37-2.  
(d) “Prescription” has the same meaning as provided in Section 58-37-2.  
(2) In cases not amounting to a violation of Section 41-6-44, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person’s body.  
(3) It is an affirmative defense to prosecution under this section that the controlled substance was involuntarily [ingested] introduced into the body by the accused or prescribed by a practitioner for use by the accused.  
(4) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.  
(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer’s presence, and if the officer has probable cause to believe that the violation was committed by the person.  
(6) The Driver License Division shall:  
(a) suspend, for 90 days, the driver license of a person convicted under Subsection (2);  
(b) revoke, for one year, the driver license of a person convicted of a second or subsequent offense under Subsection (2) or if the person has a prior conviction as defined under Subsection 41-6-44(1), if the

violation is committed within a period of ten years after the date of the prior violation; and

(c) subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(7) If a person fails to complete all court ordered screening and assessment, educational series, and substance abuse treatment, or fails to pay all fines and fees, including fees for restitution and treatment costs, the court shall notify the Driver License Division of a failure to comply. Upon receiving the notification, the division shall suspend the person's driving privilege in accordance with Subsections 53-3-221(2) and (3).

(8) The court shall order supervised probation in accordance with Subsection 41-6-44(14) for a person convicted under Subsection (2).”  
Renumber remaining sections accordingly.

Senator Walker's motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were:** Senators

Blackham	B. Evans	Knudson	Wright
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**S.B. 7**, as amended, was transmitted to the House.

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**S.B. 26**, SUNSET ACT REAUTHORIZATIONS, was read the third time, explained by Senator Arent, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4**

**Voting in the affirmative were: Senators**

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Mansell			

**Absent or not voting were: Senators**

Blackham	B. Evans	Hatch	Wright
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**S.B. 26** was transmitted to the House.

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**S.B. 41**, CLANDESTINE LAB RACKETEERING AMENDMENT, was read the third time, explained by Senator Arent, and passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were: Senators**

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were: Senators**

Hickman	Knudson	Wright
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**S.B. 41** was transmitted to the House.

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On motion of Senator Blackham, the circle was removed from **S.B. 21**, AMENDMENTS TO THE INTERLOCAL COOPERATION ACT, and it was before the Senate. Senator Blackham explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Mansell		

**Absent or not voting were:** Senators

Knudson	Stephenson	Wright
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**S.B. 21** was transmitted to the House.

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**S.B. 16, MASTER STATE HIGHWAYS AMENDMENTS**, was read the third time, explained by Senator Steele, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman
Hillyard	Jenkins	Julander	Mayne
Steele	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Knudson	Stephenson
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Senator Thomas declared a conflict of interest.

**S.B. 16** was transmitted to the House.

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**S.B. 19, VEHICLE HISTORY INFORMATION**, was read the third time and explained by Senator Eastman. Senator Waddoups commented.

Senator Eastman proposed the following amendment:

1. Page 1, Lines 7a-7b  
Senate Committee Amendments  
1-27-2003:  
Delete "EACH" and insert "BULK" and delete "REQUEST " and insert "REQUESTS"
2. Page 2, Lines 58a-58b  
Senate Committee Amendments  
1-27-2003:  
After "63-38-3.2" insert "based on the fair market value of the information" and delete "the cost of producing and" and after "providing" insert "bulk"

Senator Eastman's motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander
Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Blackham	Hatch	Hickman
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**S.B. 19**, as amended, was transmitted to the House.

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On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

## **SECOND READING CALENDAR**

On motion of Senator Waddoups, the circle was removed from **S.B. 86**, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS, and it was before the Senate. Senator Waddoups explained the bill. Senators Buttars and Arent commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Julander	Knudson	Steele	Stephenson
Thomas	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Blackham	Gladwell	Mayne	Valentine
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On motion of Senator Julander, the circle was removed from **S.B. 96**, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT, and it was before the Senate. Senator Julander explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Line 44:

After line 44 insert:

“(3)(a) The division may provide the home address or home telephone number of a licensee on a list prepared under Subsection (1) upon the request of an individual who provides proper identification and the reason for the request, in writing, to the division.

(b) A request under Subsection (3)(a) is limited to providing information on only one licensee per request.

(c) The division shall provide, by rule, what constitutes proper identification under Subsection (3)(a).”

Senator Bramble’s motion to amend passed on a voice vote.

Senator Hellewell commented. The bill passed on the following roll call:

**Yeas, 29; Nays, 0; Absent, 0.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Blackham
Bramble	Buttars	Davis	Dmitrich
Eastman	B. Evans	J. Evans	Gladwell
Hale	Hatch	Hellewell	Hickman

Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

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On motion of Senator Mayne, the circle was removed from **S.J.R. 4**, RESOLUTION URGING THAT A PUBLIC HEARING BE HELD ON THE STRUCTURE OF THE PUBLIC SERVICE COMMISSION, and it was before the Senate. Senator Mayne explained the bill. Senator Blackham commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

Allen	Arent	Bramble	Davis
Dmitrich	J. Evans	Hale	Hatch
Hellewell	Hillyard	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Walker	Mansell	

**Voting in the negative were:** Senators

Bell	Blackham	Eastman	B. Evans
Jenkins	Wright		

**Absent or not voting were:** Senators

Buttars	Gladwell	Hickman	Waddoups
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On motion of Senator Hillyard, the circle was removed from **S.R. 4**, SENATE RULES RESOLUTION - QUORUM IN SENATE COMMITTEE, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Knudson
Mayne	Steele	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were:** Senators

Allen                      Buttars                      Gladwell                      Hickman

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On motion of Senator Bramble, under suspension of the rules, the Senate voted to move to Third Reading Calendar.

### **THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 23, STATE AND LOCAL TAXES, FEES, AND CHARGES RELATED TO TELECOMMUNICATIONS**, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 39, Line 1195:  
Delete "Subsection (3)(d)(iv) applies" insert "The rate imposed on an access line under this section shall be determined in accordance with Subsection (3)(d)(iv)"
2. Page 39, Line 1196:  
After "city" insert " , "
3. Pages 39-40, Lines 1201-1206:  
Delete lines 1201-1206 and insert:  
"(iv) The rate imposed on an access line under this section shall be the lower of:  
(A) the rate imposed by the county, city, or town in which the access line is located under Subsection (3)(d)(ii); or  
(B) the rate imposed by the county, city, or town in which it is located:"

Senator Bramble's motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3**

**Voting in the affirmative were:** Senators

Allen	Arent	Bell	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hellewell	Hillyard	Jenkins	Julander



Knudson	Mayne	Steele	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were: Senators**

Blackham	Hatch	Hickman
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**1st Sub. S.B. 23**, as amended, was transmitted to the House.

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On motion of Senator Dmitrich, under suspension of the rules, the Senate voted to move to Second Reading Calendar.

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On motion of Senator Dmitrich, under suspension of the rules, the 24-hour rule was waived for bills on the Second Reading Calendar for the remainder of the day.

**SECOND READING CALENDAR**

**S.B. 40**, PAY PLAN - SALARY SURVEY AMENDMENTS, was read the second time. Senator Dmitrich explained the bill. Senators Buttars, Walker, Gladwell and Eastman commented. The bill passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4**

**Voting in the affirmative were: Senators**

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Jenkins	Julander
Knudson	Mayne	Stephenson	Thomas
Valentine	Waddoups	Walker	Wright
Mansell			

**Absent or not voting were: Senators**

Allen	Hickman	Hillyard	Steele
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**S.B. 97**, COUNTY ANNEXATION AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Stephenson
Thomas	Valentine	Waddoups	Walker
Wright	Mansell		

**Absent or not voting were:** Senators

Allen	Hillyard	Steele
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**S.B. 100**, INDIAN AFFAIRS AMENDMENTS, was read the second time. Senator Bev Evans explained the bill. The bill passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

Arent	Bell	Blackham	Bramble
Buttars	Davis	Dmitrich	Eastman
B. Evans	J. Evans	Gladwell	Hale
Hatch	Hellewell	Hickman	Jenkins
Julander	Knudson	Mayne	Steele
Stephenson	Thomas	Valentine	Waddoups
Walker	Wright	Mansell	

**Absent or not voting were:** Senators

Allen	Hillyard
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On motion of Senator Waddoups, and at 11:40 a.m., the Senate recessed.

## AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Mansell presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2003

The House passed **H.B. 9**, COMPETENCY TO STAND TRIAL AMENDMENTS, by Representative S. Daniels, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 27**, BUDGET RESERVE ACCOUNT AMENDMENTS, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 62**, EMERGENCY RESPONSE COSTS, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 70**, ASSAULT AMENDMENTS, by Representative M. Thompson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 164**, JAMES V. HANSEN HIGHWAY DESIGNATION, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 172**, BACKGROUND INVESTIGATIONS OF PEACE OFFICER CANDIDATES, by Representative L. Pace, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 2**, RESOLUTION RECOGNIZING RESOURCEFUL USE OF TECHNOLOGY IN THE CLASSROOM, by Representative G. Hughes, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 9**, **H.B. 27**, **H.B. 62**, **H.B. 70**, **H.B. 164**, **H.B. 172**, and **H.C.R. 2** were read the first time and referred to the Rules Committee.

### **RULES COMMITTEE REPORTS**

To the Members of the Senate: January 28, 2003

The Rules Committee recommends assignment of the following bills and resolutions to standing committees:

#### **Business and Labor**

**S.B. 113** Midwife Certification Act (T. Hatch)

#### **Education**

**H.B. 74** Unauthorized Entry on School Bus Prohibited  
(N. Hendrickson)

#### **Government Operations and Political Subdivisions**

**S.B. 29** Legislative Access to Certain Information (M. Dmitrich)

#### **Health and Human Services**

**S.B. 121** Federal Health Insurance Portability and Accountability  
Act Compliance Amendments (P. Knudson)

**H.B. 36** Accessible Housing (S. Mascaro)  
**H.B. 41** Legislative Budgeting for Cola for Local Health  
Authorities (J. Seitz)

**Judiciary, Law Enforcement, and Criminal Justice**

**S.B. 115** Theft Detection Shielding Devices Amendments  
(J. Hickman)

**Revenue and Taxation**

**S.J.R. 7** Resolution Supporting a Free Trade Agreement  
(P. Knudson)  
**H.B. 28** Oil and Gas Severance Tax Amendments (G. Snow)  
**H.B. 29** Fees and Taxes on Oil and Gas (G. Snow)  
**H.B. 73** Withholding Exemption for Certain Nonresident  
Shareholders (G. Snow)

**Transportation and Public Utilities and Technology**

**H.B. 47** Fire Prevention Amendments (J. Murray)  
**H.B. 55** Tow Truck Requirements (J. Gowans)

Lyle Hillyard  
Rules Committee Chair

Report filed. On motion of Senator Hillyard, the committee report was adopted.

On motion of Senator Hillyard **1st Sub. H.B. 12** was moved from the Health and Human Services Standing Committee to the Business and Labor Standing Committee.

**SECOND READING CALENDAR**

**S.B. 46**, RESIDENTIAL PROPERTY TAX EXEMPTIONS, was read the second time.

On motion of Senator Mayne, the bill was circled.

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**S.B. 102**, PROPERTY TAX APPEAL PROVISIONS, was read the second time. Senator Bramble explained the bill. Senators Mansell, Hickman, Valentine, James Evans, Stephenson, and Hatch commented.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 41:  
Before “the” insert “double”
2. Page 3, Line 77:  
Before “the” insert “double”

Senator Stephenson’s motion to amend passed on a voice vote.

The bill passed on the following roll call:

**Yeas, 24; Nays, 1; Absent, 4**

**Voting in the affirmative were:** Senators

Allen	Bell	Bramble	Buttars
Davis	Dmitrich	Eastman	B. Evans
J. Evans	Gladwell	Hale	Hellewell
Hickman	Hillyard	Jenkins	Knudson
Mayne	Steele	Stephenson	Valentine
Waddoups	Walker	Wright	Mansell

**Voting in the negative was:** Senator  
Hatch

**Absent or not voting were:** Senators

Arent	Blackham	Julander	Thomas
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On motion of Senator Waddoups and at 3:15 p.m., the Senate adjourned until 10:00 a.m., Wednesday, January 29, 2003.

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Read for the first time and referred to the Rules Committee .....	23
Assigned to standing committee .....	103
<b>S.B. 40 -- PAY PLAN - SALARY SURVEY AMENDMENTS</b> ( <i>M. Dmitrich</i> ) .....	
Read for the first time and referred to the Rules Committee .....	23
Assigned to standing committee .....	35
Amendments .....	193
Committee report adopted and placed on calendar .....	195
Read the second time .....	207
<b>S.B. 41 -- CLANDESTINE LAB RACKETEERING AMENDMENT</b> ( <i>P. Arent</i> ) .....	
Read for the first time and referred to the Rules Committee .....	23
Assigned to standing committee .....	60
Placed on calendar .....	167
Read the second time .....	178
Read the third time .....	201
Transmitted to the House .....	201
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Read for the first time and referred to the Rules Committee .....	24
Assigned to standing committee .....	60
Placed on calendar .....	119
Read the second time .....	127
Read the third time .....	145
Transmitted to the House .....	145
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Read for the first time and referred to the Rules Committee .....	24
Assigned to standing committee .....	60
Placed on calendar .....	119
Read the second time .....	147
Read the third time .....	169
Transmitted to the House .....	169
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Read for the first time and referred to the Rules Committee .....	24
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Read for the first time and referred to the Rules Committee .....	25
Assigned to standing committee .....	164
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Read for the first time and referred to the Rules Committee .....	25
Assigned to standing committee .....	104
Committee report adopted and placed on calendar .....	195
Read the second time .....	210
Circled .....	210
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Read for the first time and referred to the Rules Committee .....	25
Assigned to standing committee .....	103
<b>S.B. 48 -- FORCED ENTRY TO MAKE ARREST</b> ( <i>D. Thomas</i> ) .....	
Read for the first time and referred to the Rules Committee .....	55
Assigned to standing committee .....	175
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Read for the first time and referred to the Rules Committee .....	55
Assigned to standing committee .....	175
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Read for the first time and referred to the Rules Committee .....	61
Assigned to standing committee .....	174
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Read for the first time and referred to the Rules Committee .....	61
Assigned to standing committee .....	120
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Read for the first time and referred to the Rules Committee .....	106
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Read for the first time and referred to the Rules Committee .....	106

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Read for the first time and referred to the Rules Committee	122
Assigned to standing committee	174
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Read for the first time and referred to the Rules Committee	122
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Read for the first time and referred to the Rules Committee	139
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Read for the first time and referred to the Rules Committee	139
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Read for the first time and referred to the Rules Committee	167
Assigned to standing committee	175
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Read for the first time and referred to the Rules Committee	167
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Read for the first time and referred to the Rules Committee	167
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Read for the first time and referred to the Rules Committee	107
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Read for the first time and referred to the Rules Committee	56
Assigned to standing committee	164
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Read for the first time and referred to the Rules Committee	25
Assigned to standing committee	35
Placed on calendar	86
Read the second time	93
Read the third time	111
Transmitted to the House	112
<b>S.B. 79</b> -- DISABLED PARKING FINE ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee	26
Assigned to standing committee	60
Placed on calendar	106
Read the second time	125
Substituted	126
<b>1st Sub. S.B. 79</b> -- DISABLED PARKING FINE ( <i>D. C. Buttars</i> )	
Circled	126
Uncircled	175
Read the third time	197
Circled	197
Uncircled	197
Amendments	197
Transmitted to the House	198
<b>S.B. 80</b> -- ADVERSE BENEFIT DETERMINATION AMENDMENTS ( <i>P. Knudson</i> )	
Read for the first time and referred to the Rules Committee	26
Assigned to standing committee	35
Placed on calendar	106
Read the second time	126
Read the third time	144
Transmitted to the House	144
<b>S.B. 81</b> -- PUBLIC SAFETY RETIREMENT AMENDMENTS ( <i>M. Dmitrich</i> )	
Read for the first time and referred to the Rules Committee	26
Assigned to standing committee	104
<b>S.B. 82</b> -- AUTHORIZED OVERSPENDING LIMIT IN FEDERAL MEDICAID BUDGET ( <i>B. Evans</i> )	
Read for the first time and referred to the Rules Committee	26
Assigned to standing committee	60
Placed on calendar	119
Read the second time	128
Read the third time	146
Amendments	146
Transmitted to the House	146
<b>S.B. 83</b> -- OCCUPATIONAL AND PROFESSIONAL LICENSING MODIFICATIONS ( <i>L. Hillyard</i> )	
Read for the first time and referred to the Rules Committee	27
Assigned to standing committee	35
Placed on calendar	86
Read the second time	94
Read the third time	112
Transmitted to the House	112
<b>S.B. 84</b> -- REAL PROPERTY VOLUNTARY ENVIRONMENTAL RESTRICTIVE COVENANTS ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee	27

Assigned to standing committee .....	104
<b>S.B. 85</b> -- UNDERGROUND STORAGE TANK AMENDMENT ( <i>B. Wright</i> )	
Read for the first time and referred to the Rules Committee .....	28
Assigned to standing committee .....	104
<b>S.B. 86</b> -- PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee .....	28
Assigned to standing committee .....	35
Amendments .....	165
Placed on calendar .....	167
Read the second time .....	178
Circled .....	179
Uncircled .....	203
<b>S.B. 87</b> -- LIBRARY AMENDMENTS ( <i>M. Waddoups</i> )	
Read for the first time and referred to the Rules Committee .....	28
Assigned to standing committee .....	35
<b>S.B. 88</b> -- SECURITY PERSONNEL LICENSING ACT AMENDMENTS ( <i>D. Eastman</i> )	
Read for the first time and referred to the Rules Committee .....	28
Assigned to standing committee .....	35
Placed on calendar .....	86
Read the second time .....	94
Circled .....	94
Uncircled .....	109
Substituted .....	109
<b>1st Sub. S.B. 88</b> -- SECURITY PERSONNEL LICENSING ACT AMENDMENTS ( <i>D. Eastman</i> )	
Circled .....	109
Uncircled .....	115
Amendments .....	115
Read the third time .....	141
Transmitted to the House .....	142
<b>S.B. 89</b> -- MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS ( <i>D. C. Buttars</i> )	
Read for the first time and referred to the Rules Committee .....	29
Assigned to standing committee .....	35
Substituted .....	126
<b>1st Sub. S.B. 89</b> -- MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS ( <i>D. C. Buttars</i> )	
Placed on calendar .....	106, 127
Read the second time .....	127
Circled .....	127
Uncircled .....	176
Read the third time .....	197
Circled .....	197
<b>S.B. 90</b> -- PRESCRIPTIVE PRACTICE PEER COMMITTEE REPEALER ( <i>P. Julander</i> )	
Read for the first time and referred to the Rules Committee .....	29
Assigned to standing committee .....	60
Placed on calendar .....	119
Read the second time .....	128
Read the third time .....	146
Transmitted to the House .....	147
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Read for the first time and referred to the Rules Committee .....	29
Assigned to standing committee .....	35
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Read for the first time and referred to the Rules Committee .....	30
Assigned to standing committee .....	35
Placed on calendar .....	86
Amendments .....	85
Read the second time .....	94
Circled .....	94
Uncircled .....	108
Substituted .....	108
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Circled .....	109, 115
Uncircled .....	115, 123
Read the third time .....	142
Amendments .....	142
Transmitted to the House .....	142
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Read for the first time and referred to the Rules Committee .....	30
Assigned to standing committee .....	104
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Read for the first time and referred to the Rules Committee .....	30

Assigned to standing committee .....	35
Placed on calendar .....	86
Read the second time .....	94
Read the third time .....	112
Transmitted to the House .....	113
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Read for the first time and referred to the Rules Committee .....	30
Assigned to standing committee .....	104
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Read for the first time and referred to the Rules Committee .....	31
Assigned to standing committee .....	60
Placed on calendar .....	119
Read the second time .....	128
Circled .....	128
Uncircled .....	204
Amendments .....	204
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Read for the first time and referred to the Rules Committee .....	31
Assigned to standing committee .....	104
Committee report adopted and placed on calendar .....	195
Read the second time .....	207
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Read for the first time and referred to the Rules Committee .....	31
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Read for the first time and referred to the Rules Committee .....	31
Assigned to standing committee .....	175
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Read for the first time and referred to the Rules Committee .....	32
Assigned to standing committee .....	104
Committee report adopted and placed on calendar .....	195
Read the second time .....	208
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Assigned to standing committee .....	174
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Read for the first time and referred to the Rules Committee .....	32
Assigned to standing committee .....	104
Amendments .....	194
Committee report adopted and placed on calendar .....	195
Read the second time .....	210
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Read for the first time and referred to the Rules Committee .....	32
Assigned to standing committee .....	104
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Assigned to standing committee .....	103
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Read for the first time and referred to the Rules Committee .....	33
Assigned to standing committee .....	120
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Read for the first time and referred to the Rules Committee .....	56
Assigned to standing committee .....	175
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Read for the first time and referred to the Rules Committee .....	56
Assigned to standing committee .....	175
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Read for the first time and referred to the Rules Committee .....	56
Assigned to standing committee .....	121
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Read for the first time and referred to the Rules Committee .....	57
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Read for the first time and referred to the Rules Committee .....	57
Assigned to standing committee .....	121
Committee report adopted and placed on calendar .....	195
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Assigned to standing committee .....	174

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Assigned to standing committee	174
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Read for the first time and referred to the Rules Committee	62
Assigned to standing committee	209
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Read for the first time and referred to the Rules Committee	63
Assigned to standing committee	174
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Read for the first time and referred to the Rules Committee	63
Assigned to standing committee	210
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Read for the first time and referred to the Rules Committee	63
Assigned to standing committee	175
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Read for the first time and referred to the Rules Committee	63
Assigned to standing committee	175
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Read for the first time and referred to the Rules Committee	64
Assigned to standing committee	121
Committee report adopted and placed on calendar	195
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Read for the first time and referred to the Rules Committee	64
Assigned to standing committee	174
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Read for the first time and referred to the Rules Committee	87
Assigned to standing committee	209
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Read for the first time and referred to the Rules Committee	87
Assigned to standing committee	175
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Read for the first time and referred to the Rules Committee	88
Assigned to standing committee	174
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Read for the first time and referred to the Rules Committee	107
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Read for the first time and referred to the Rules Committee	107
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Read for the first time and referred to the Rules Committee	140
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Read for the first time and referred to the Rules Committee	140
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Read for the first time and referred to the Rules Committee	140
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Read for the first time and referred to the Rules Committee	168
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Read for the first time and referred to the Rules Committee	33
Assigned to standing committee	104
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Read for the first time and referred to the Rules Committee .....	33
Placed on calendar .....	36
Read the second time .....	45
Read the third time .....	64
Transmitted to the House .....	65
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Read for the first time and referred to the Rules Committee .....	34
Placed on calendar .....	36
Read the second time .....	46
Read the third time .....	65
Transmitted to the House .....	65
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Read for the first time and referred to the Rules Committee .....	34
Assigned to standing committee .....	121
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Read for the first time and referred to the Rules Committee .....	34
Assigned to standing committee .....	104
Placed on calendar .....	167
Read the second time .....	179
Circled .....	180
Uncircled .....	205
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Assigned to standing committee .....	175
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Assigned to standing committee .....	210
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Read for the first time and referred to the Rules Committee .....	34
Placed on calendar .....	36
Read the second time .....	46
Read the third time .....	65
Signed by the President and sent to the Lt. Governor .....	66
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Placed on calendar .....	61
Read the second time .....	92
Read the third time .....	111
Signed by the President and transmitted to the Governor .....	111
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Read for the first time and referred to the Rules Committee .....	57
Placed on calendar .....	105
Read the second time .....	124
Read the third time .....	143
Signed by the President and transmitted to the Lt. Governor .....	143
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Read for the first time and referred to the Rules Committee .....	108
Assigned to standing committee .....	165
Read the second time .....	177
Circled .....	177
Uncircled .....	205